

La protection des transports de marchandises par mer en droit Ivoirien

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RESUME

Il existe une législation en droit ivoirien qui régit les transports de marchandises par mer. Celle-ci porte aussi bien sur la protection de la marchandise que sur la sûreté de la navigation. Mais compte tenu des limites qu'elle comporte, elle mérite d'être améliorée.

En effet, l'existence de la législation des transports maritimes découle des normes destinées à protéger la marchandise et à sécuriser la navigation maritime. Toutefois, les dommages subis par les marchandises et les attaques à main armée qui continuent de sévir dans le golfe de Guinée révèlent les limites de ladite législation.

De ce constat, il résulte la nécessité d'envisager des solutions pour améliorer la législation existante. Pour ce faire, le recours au droit comparé s'avère indispensable. Ainsi, l'expérience constatée en droit communautaire européen permet de suggérer aux Etats côtiers du golfe de Guinée, l'adoption d'un Accord de coopération sous régional pour lutter contre l'insécurité maritime.

Enfin, pour rehausser l'efficacité de la lutte contre l'insécurité dans les Etats côtiers du golfe de Guinée concernés, des engagements collectifs s'imposent pour faciliter la poursuite des pirates au-delà des limites maritimes desdits Etats.

SUMMARY

There is legislation in Ivorian law governing the transport of goods by sea. It deals with the protection of goods and the safety of navigation. However, given the limits it contains, it deserves to be improved.

Indeed, the existence of maritime transport legislation stems from the standards designed to protect the goods and make maritime navigation safe. However, the damage suffered by goods and the armed attacks that continue to occur in the Gulf of Guinea reveal the limits of the said legislation.

From this observation, it follows the need to consider solutions to improve the existing legislation. To this end, the use of comparative law is indispensable. Thus, the experience observed in European Community law makes it possible to suggest to the coastal States of the Gulf of Guinea, the adoption of a sub-regional cooperation agreement to fight against maritime insecurity.

Finally, to enhance the effectiveness of the fight against insecurity in the Gulf of Guinea coastal States concerned, collective commitments are required to facilitate the pursuit of pirates beyond the maritime limits of these States.